

<div>CITY OF SAN JOSÉ, CALIFORNIA Department of Planning, Building and Code Enforcement 801 North First Street, Room 400 San José, California 95110-1795</div> <div>STAFF REPORT</div>		<div>Hearing Date/Agenda Number P.C. 02-26-03 Item No. C.C. 03-18-03</div> <div>File Number C03-008</div> <div>Application Type Director Initiated Rezoning</div> <div>Council District 3</div> <div>SNI Area Washington</div> <div>Planning Area Central</div> <div>Assessor's Parcel Number(s) 264-36-137</div>	
PROJECT DESCRIPTION		Completed by: Britta Buys	
Location: Southwest corner of South First Street and Sutter Street			
Gross Acreage: 0.23		Net Acreage: 0.23	Net Density: N/A
Existing Zoning: LI Light Industrial		Existing Use: Vacant eating establishment	
Proposed Zoning: CP Commercial Pedestrian		Proposed Use: Eating establishment	
GENERAL PLAN		Completed by: BB	
Land Use/Transportation Diagram Designation General Commercial		Project Conformance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> See Analysis and Recommendations	
SURROUNDING LAND USES AND ZONING		Completed by: BB	
North:	Commercial and Light Industrial	LI Light Industrial	
East:	Commercial and Light Industrial	LI Light Industrial	
South:	Commercial and Light Industrial	LI Light Industrial	
West:	Light Industrial and Residential	R-M Residence	
ENVIRONMENTAL STATUS		Completed by: BB	
<input checked="" type="checkbox"/> Environmental Impact Report Use of 2020 General Plan EIR <input type="checkbox"/> Negative Declaration circulated on July 13, 2001		<input type="checkbox"/> Exempt <input type="checkbox"/> Environmental Review Incomplete	
FILE HISTORY		Completed by: BB	
Annexation Title: Original City		Date: March 27, 1950	
PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION			
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with Conditions		Date: _____	Approved by: _____ <input type="checkbox"/> Action <input checked="" type="checkbox"/> Recommendation
OWNER	APPLICANT		
David Silva 1541 Norman Avenue San Jose, CA 95125	Director Planning, Building and Code Enforcement 801 North First Street, Room 400 San Jose, CA 95110		

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: BB**Department of Public Works**

None received.

Other Departments and Agencies

None received.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The Director of Planning, Building and Code Enforcement is requesting to rezone the subject 0.23 gross-acre site from LI Light Industrial to CP Commercial Pedestrian to bring the zoning into conformance with the General Plan's General Commercial designation of the site. There is one existing commercial building on the parcel, known as the 5-Spot Drive-In, recently designated City Landmark No. 02-121.

The site is surrounded by a variety of industrial and commercial uses along both sides of South First Street. A light industrial use is located adjacent to the project site on Sutter Street, which in turn is adjacent to a residential neighborhood to the west of South First Street.

GENERAL PLAN CONFORMANCE

The site is designated General Commercial on the General Plan Land Use/Transportation Diagram. The proposed CP Commercial Pedestrian Zoning District is consistent with this designation and will allow appropriate use of the existing building.

The proposed rezoning will facilitate the reopening of a City Landmark, which conforms to the General Plan goals and policies for Historic, Archaeological and Cultural Resources. Specifically, this conforming rezoning will allow the reopening and preservation of the 5-Spot Drive-In as a public eating establishment, its original use.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan," and certified on August 16, 1994, by the City of San José City Council.

ANALYSIS

A Conditional Use Permit is required for a public eating establishment in the LI Light Industrial Zoning District. However, a public eating establishment is a permitted use (allowed by right) in the CP Commercial Pedestrian Zoning District. The proposed rezoning to CP Commercial Pedestrian will bring the site into conformance with the General Plan designation for the site of General Commercial. Most importantly, the rezoning will facilitate the reopening of a City Landmark that has stood vacant for several years.

The owner David Silva, upon purchase of the property, worked closely with the City's Historic Preservation Officer (HPO) to nominate the building for City Landmark status. Mr. Silva continues to work with the Planning Staff, HPO, Historic Landmarks Commission and the Redevelopment Agency to design a historically appropriate façade improvement and upgrade the pedestrian and vehicular circulation areas. This proposed rezoning changes the allowed land uses but does not permit any building alterations or new construction. Any site improvements or modifications to the building will be subject to further land use permits and design review.

This site is located in the Washington Strong Neighborhoods Initiative (SNI) Area, and is discussed in the *Washington Neighborhood Revitalization Plan Update* (approved by City Council on June 4, 2002). The community supported the City Landmark designation, and documented their preference to reopen the building as an eating establishment. Mr. Silva plans to reopen the 5-Spot as an eating establishment.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site. The proposed rezoning was also presented to Washington SNI Area community members at the February 13, 2003 meeting for the Washington Area Community Coalition. Staff has been available to discuss the proposal with members of the public.

RECOMMENDATION

Planning staff recommends approval of the proposed zoning for the following reasons:

1. The proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of General Commercial.
2. The proposed rezoning is compatible with surrounding land uses.
3. The proposed rezoning will facilitate reopening of a City Landmark as an eating establishment, its original use.
4. The proposed rezoning will facilitate reopening of the 5-Spot as an eating establishment in conformance with the vision and goals of the *Washington Neighborhood Revitalization Plan Update*.

Attachments

Location Map
Exhibit B
Reuse of EIR